

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

No. C90-140

v.

Craig A. Harris, M.D.

CONSENT ORDER

Pursuant to Section 5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended, a complaint was filed with the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") charging Craig A. Harris, M.D., Respondent, with violations of Section 5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended. An investigation was conducted by Investigating Committee I, so called, of the Board.

Investigating Committee I reported its evaluations and recommendations to the Board. The report was reviewed by the Board and it recommended further action.

The following constitutes the Findings of Fact with respect to the professional performance of the Respondent.

FINDINGS OF FACTS

1. A seventy-six year old female was under the care of the Respondent from 1984 through 1989 for cerebrovascular disease.
2. In February of 1988 the Respondent prescribed amoxicillin for treatment of Flu-like symptoms. The patient did not report an adverse reaction. In March, following the onset of persistent chills, sweats and nausea, the patient took a capsule of amoxicillin which was left over from the previous prescription. She had a syncopal episode and was hospitalized for neurological tests and observation. No acute findings were reported

and the patient was discharged. The question of drug allergy was discussed with the patient and her family. The Respondent noted the possible allergic reaction in the patient's medical chart.

3. In June of 1989 the patient had successful knee replacement surgery. On the advise of her orthopedic surgeon, the patient called the Respondent and requested antibiotics before having dental work performed. The Respondent checked the patient's chart but failed to ascertain a possible allergic reaction to penicillin since the prior notation was not entered under the section on allergy; the Respondent prescribed penicillin V.K. tablets. The patient was found dead seven days after the Respondent prescribed penicillin and shortly after informing a friend that she was about to take her antibiotic. The medical examiner reported findings of major swelling of the larynx and uvula and determined that the cause of death was an anaphylactic reaction to Penicillin. The Respondent promptly notified the family.

4. The Respondent's actions constitute Unprofessional Conduct in violation of Rhode Island General Laws 5-37.

5.1 (19).

The parties agree as follows:

- (1) Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island, allopathic license No. 3767. Respondent's mailing address is 106 Nate Whipple Highway, Cumberland, Rhode Island, 02864.
- (2) Respondent admits to the jurisdiction of the

Investigating Committee I of the Board and is subject to the final approval of the Board. This Consent Order is not binding on respondent until final ratification by the Board.

(4) Respondent hereby acknowledges and waives:

- a. The right to appear personally or by counsel or both before the Board;
- b. The right to produce witnesses and evidence in her behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for those specifically contained herein;
- f. Any and all rights of appeal of this Consent Order;
- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
- i. Any objection to the fact that potential bias may occur as a result of the presentation of this Consent Order to the Board.

(5) If the Consent Order is not accepted by the Respondent, the Investigating Committee will

convened for the purpose of conducting an Administrative Hearing. The composition of the Hearing Committee is described by statute. If the Respondent guilty of unprofessional conduct as specified in the charges, the Board shall prepare written findings of fact and law in support of said conclusion. If the accused is found not guilty, the Board shall, forthwith, issue an order dismissing the charges.

(6) Acceptance of this Consent Order constitutes an admission of the facts set forth herein.

(7) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and accepted by the Board. It shall be published as the Board, in the exercise of its discretion, shall determine.

(8) Failure to comply with this Consent Order, once signed and accepted, shall subject the Respondent to further disciplinary action.

(9) Respondent voluntarily accepts the Board's sanction of a reprimand. The Respondent shall pay an Administrative Fee of \$2,500 Two Thousand Five Hundred Dollars to the Board within sixty days of the acceptance of this Consent Order.

This sanction is in accordance with Section 5-37-6.3 of the General Laws of the State of Rhode Island.

(10) The Respondent shall notify the Board, in writing, of any change in his address.

Ratified by the Board of Medical Licensure and Discipline at
a meeting held on THURSDAY, 15, 1992.

Barbara DeBuono

Barbara A. DeBuono M.D., M.P.H.
Chairperson
Board of Medical Licensure and
Discipline.